Notice of Allowability	Application No.	Applicant(s)	
	10/748,512	MARCUS ET AL.	
	Examiner	Art Unit	
	Chanda L. Harris	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *correspondence filed on 12/14/04*.

2. ☒ The allowed claim(s) is/are *4-53*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 9/10/04, 12/14/04, 3/21/05.
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Marcus on 9/19/05.

The application has been amended as follows:

Please amend the Claims as follows:

4. (Currently Amended) A portable memory to add educational software to an electronic educational toy by a user thereof, the educational software designed to teach letters of an alphabet, the portable memory comprising:

a portable memory housing designed to be compatible with and inserted into a portable memory receiving device associated with the electronic educational toy by the user thereof;

a memory medium contained in the portable memory housing; and

computer software embodied on the memory medium for use with a toy processor in the electronic educational toy, the computer software having:

data for use by the toy processor to generate a plurality of questions or instructions output via a speaker, a question or instruction of the plurality of ~~the~~ questions or instructions designed to encourage a child to make a cognitive selection of a letter and indicate the cognitive selection of the letter by causing contact with a work platform on at least a portion of a substantially planar surface of the electronic educational toy ~~housing~~ and the question or instruction having at least one correct response;

data for use by the toy processor to determine whether the child's cognitive selection of the letter as indicated by contact caused by the child with the work platform corresponds to a correct response to the question or instruction using information from one or more sensors for sensing the contact with the work platform, a contact capable of occurring and being sensed in arbitrary child-defined locations on the work platform, the occurrence of contact on the work platform in response to the question or instruction indicating the cognitive selection by the child of the letter corresponding to the question or instruction, the one or more sensors capable of sensing the location of a first contact caused by the child on the substantially planar surface of the work platform and, while the first contact is maintained in a position to be sensed by the ~~sensing system~~ one or more sensors, sensing the location of a second contact caused by the child on the substantially planar surface of work platform;

data for use by the toy processor to generate a first audio feedback response output by the speaker, the first audio feedback response indicating that the letter selected by the child corresponds to a correct response to the question or instruction; and

data for use by the toy processor to generate a second audio feedback response output by the speaker, the second audio feedback response indicating that the selection by the child is something other than a correct response to the question or instruction.

5. (Currently Amended) A portable memory as in claim 4, wherein the cognitive selection of the letter, indicated by causing contact with the work platform, comprises placement of an object on ~~the~~ a touch-sensitive surface.

6. (previously presented) A portable memory as in claim 4, wherein the software generates questions or instructions with different levels of difficulty.

7. (previously presented) A portable memory as in claim 6, wherein the processor generates more difficult questions depending on the user having provided correct previous answers.

8. (Currently Amended) A portable memory as in claim 4, wherein ~~the~~ interaction between the toy user ~~users~~ and ~~added~~ educational software added by the portable memory is facilitated by a plurality of images on the work platform.

9. (Previously Presented) A portable memory as in claim 8, wherein the plurality of images on the work platform can be changed.

10. (Currently Amended) A portable memory to add educational software to an electronic educational toy by a user thereof, the educational software designed to teach words of a language, the portable memory comprising:

a portable memory housing designed to be compatible with and inserted into a portable memory receiving device associated with the electronic educational toy by the user thereof;

a memory medium contained in the portable memory housing; and

computer software embodied on the memory medium for use with a toy processor in the electronic educational toy, the computer software having:

data for use by the toy processor to generate a plurality of questions or instructions output via a speaker, a question or instruction of the plurality of ~~the~~ questions or instructions designed to encourage a child to make a cognitive selection of a word and indicate the cognitive selection of the word by causing contact with a work platform on at least a portion of a substantially planar surface of the electronic educational toy ~~housing~~ and the question or instruction having at least one correct response;

data for use by the toy processor to determine whether the child's cognitive selection of the word as indicated by contact caused by the child with the work platform corresponds to a correct response to the question or instruction using information from one or more sensors for sensing the contact with the work platform, a contact capable of occurring and being sensed in arbitrary child-defined locations on ~~the~~ a touch-sensitive surface, the occurrence of contact on the work platform in response to the question or instruction indicating the cognitive selection by the child of the word corresponding to the question or instruction, the one or more sensors capable of sensing the location of a first contact caused by the child on the substantially planar surface of the work platform and, while the first contact is maintained in a position to be sensed by the ~~sensing system~~ one or more sensors, sensing the location of a second contact caused by the child on the substantially planar surface of work platform;

data for use by the toy processor to generate a first audio feedback response output by the speaker, the first audio feedback response indicating that the word selected by the child corresponds to a correct response to the question or instruction; and

data for use by the toy processor to generate a second audio feedback response output by the speaker, the second audio feedback response indicating that the selection by the child is something other than a correct response to the question or instruction.

11. (Currently Amended) A portable memory as in claim 10, wherein the cognitive selection of the word, indicated by causing contact with the work platform, comprises placement of an object on the touch-sensitive surface.

12. (previously presented) A portable memory as in claim 10, wherein the software generates questions or instructions with different levels of difficulty.

13. (previously presented) A portable memory as in claim 12, wherein the processor generates more difficult questions depending on the user having provided correct previous answers.

14. (Currently Amended) A portable memory as in claim 10, wherein ~~the~~ interaction between the toy user ~~users~~ and ~~added~~ educational software added by the portable memory is facilitated by a plurality of images on the work platform.

15. (Previously Presented) A portable memory as in claim 14, wherein the plurality of images on the work platform can be changed.

16. (Currently Amended) A portable memory to add educational software to an electronic educational toy by a user thereof, the educational software designed to teach numbers, the portable memory comprising:

a portable memory housing designed to be compatible with and inserted into a portable memory receiving device associated with the electronic educational toy by the user thereof;

a memory medium contained in the portable memory housing; and

computer software embodied on the memory medium for use with a toy processor in the electronic educational toy, the computer software having:

data for use by the toy processor to generate a plurality of questions or instructions output via a speaker, a question or instruction of the plurality of ~~the~~ questions or instructions designed to encourage a child to make a cognitive selection of a number and indicate the cognitive selection of the number by causing contact with a work platform on at least a portion of a substantially planar surface of the electronic educational toy ~~housing~~ and the question or instruction having at least one correct response;

data for use by the toy processor to determine whether the child's cognitive selection of the number as indicated by contact caused by the child with the work platform corresponds to a correct response to the question or instruction using information from one or more sensors for sensing the contact with the work platform, a contact capable of occurring and being sensed in arbitrary child-defined locations on ~~the~~ a touch-sensitive surface, the occurrence of contact on the work platform in response to the question or instruction indicating the cognitive selection by the child of the number corresponding to the question or

instruction, the one or more sensors capable of sensing the location of a first contact caused by the child on the substantially planar surface of the work platform and, while the first contact is maintained in a position to be sensed by the ~~sensing system~~ one or more sensors, sensing the location of a second contact caused by the child on the substantially planar surface of work platform;

data for use by the toy processor to generate a first audio feedback response output by the speaker, the first audio feedback response indicating that the number selected by the child corresponds to a correct response to the question or instruction; and

data for use by the toy processor to generate a second audio feedback response output by the speaker, the second audio feedback response indicating that the selection by the child is something other than a correct response to the question or instruction.

17. (Currently Amended) A portable memory as in claim 16, wherein the cognitive selection of the number, indicated by causing contact with the work platform, comprises placement of an object on the touch-sensitive surface.

18. (previously presented) A portable memory as in claim 16, wherein the software generates questions or instructions with different levels of difficulty.

19. (previously presented) A portable memory as in claim 18, wherein the processor generates more difficult questions depending on the user having provided correct previous answers.

20. (Currently Amended) A portable memory as in claim 16, wherein ~~the~~ interaction between the toy user ~~users~~ and ~~added~~ educational software added by the portable memory is facilitated by a plurality of images on the work platform.

21. (Previously Presented) A portable memory as in claim 20, wherein the plurality of images on the work platform can be changed.

22. (Currently Amended) A portable memory to add educational software to an electronic educational toy by a user thereof, the educational software designed to teach pictures, the portable memory comprising:

a portable memory housing designed to be compatible with and inserted into a portable memory receiving device associated with the electronic educational toy by the user thereof;

a memory medium contained in the portable memory housing; and

computer software embodied on the memory medium for use with a toy processor in the electronic educational toy, the computer software having:

data for use by the toy processor to generate a plurality of questions or instructions output via a speaker, a question or instruction of the plurality of ~~the~~ questions or instructions designed to encourage a child to make a cognitive selection of a ~~numerical operation~~ picture and indicate the cognitive selection of the picture by causing contact with a work platform on at least a portion of a substantially planar surface of the electronic educational toy housing and the question or instruction having at least one correct response;

data for use by the toy processor to determine whether the child's cognitive selection as indicated by contact caused by the child with the work platform corresponds to a correct response to the question or instruction using information from one or more sensors for sensing the contact with the work platform, a contact capable of occurring and being sensed in arbitrary child-defined locations on the work platform, the occurrence of contact on ~~the~~ a touch-sensitive surface in response to the question or instruction indicating the cognitive selection by the child of the picture corresponding to the question or instruction, the one or more sensors capable of sensing the location of a first contact caused by the child on the substantially planar surface of the work platform and, while the first contact is maintained in a position to be sensed by the ~~sensing system~~ one or more sensors, sensing the location of a second contact caused by the child on the substantially planar surface of work platform;

data for use by the toy processor to generate a first audio feedback response output by the speaker, the first audio feedback response indicating that the selection by the child corresponds to a correct response to the question or instruction; and

data for use by the toy processor to generate a second audio feedback response output by the speaker, the second audio feedback response indicating that the selection by the child is something other than a correct response to the question or instruction.

23. (Currently Amended) A portable memory as in claim 22, wherein the cognitive selection, indicated by causing ~~contacting a~~ contact with the touch-sensitive surface, comprises placement of an object on the work platform.

24. (previously presented) A portable memory as in claim 22, wherein the software generates questions or instructions with different levels of difficulty.

25. (previously presented) A portable memory as in claim 24, wherein the processor generates more difficult questions depending on the user having provided correct previous answers.

26. (Currently Amended) A portable memory as in claim 22, wherein ~~the~~ interaction between the toy user ~~users~~ and ~~added~~ educational software added by the portable memory is facilitated by a plurality of images on the work platform.

27. (Previously Presented) A portable memory as in claim 26, wherein the plurality of images on the work platform can be changed.

28. (Currently Amended) A portable memory to add educational software to an electronic educational toy by a user thereof, the portable memory comprising:

a portable memory housing designed to be compatible with and inserted into a portable memory receiving device associated with the electronic educational toy by the user thereof;

a memory medium contained in the portable memory housing; and

computer software embodied on the memory medium for use with a toy processor in the electronic educational toy, the computer software having:

data for use by the toy processor to generate a plurality of questions or instructions output via a speaker, a question or instruction of the plurality of ~~the~~ questions or instructions designed to encourage a child to make a cognitive decision and indicate the cognitive decision by causing contact with a work platform on at least a portion of a substantially planar surface of the electronic educational toy ~~housing~~ and the question or instruction having at least one correct response;

data for use by the toy processor to determine whether the child's cognitive decision as indicated by contact caused by the child with the work platform corresponds to a correct

response to the question or instruction using information from one or more sensors for sensing the contact with the work platform, a contact capable of occurring and being sensed in arbitrary child-defined locations on ~~the~~ a touch-sensitive surface, the occurrence of contact on the work platform in response to the question or instruction indicating the cognitive decision by the child to the question or instruction, the one or more sensors capable of sensing the location of a first contact caused by the child on the substantially planar surface of the work platform and, while the first contact is maintained in a position to be sensed by the ~~sensing system~~ one or more sensors, sensing the location of a second contact caused by the child on the substantially planar surface of work platform;

data for use by the toy processor to generate a first audio feedback response output by the speaker, the first audio feedback response indicating that the selection by the child corresponds to a correct response to the question or instruction; and

data for use by the toy processor to generate a second audio feedback response output by the speaker, the second audio feedback response indicating that the selection by the child is something other than a correct response to the question or instruction.

29. (Currently Amended) A portable memory as in claim 28, wherein the cognitive selection, indicated by causing contact with a the touch-sensitive surface, comprises placement of an object on the work platform.

30. (previously presented) A portable memory as in claim 28, wherein the software generates questions or instructions with different levels of difficulty.

31. (previously presented) A portable memory as in claim 30, wherein the processor generates more difficult questions depending on the user having provided correct previous answers.

32. (Currently Amended) A portable memory as in claim 28, wherein ~~the~~ interaction between the toy user ~~users~~ and ~~added~~ educational software added by the portable memory is facilitated by a plurality of images on the work platform.

33. (Previously Presented) A portable memory as in claim 32, wherein the plurality of images on the work platform can be changed.

34. (Previously Presented) A portable memory as in claim 4, further comprising data for a learning mode wherein the child explores letters by causing contact with the work platform without there being an indication of an incorrect selection of a letter and the toy provides audio feedback to the child when such contact corresponds to the selection of a letter, the audio feedback relating to the selected letter.

35. (Previously Presented) A portable memory as in claim 4, wherein the work platform comprises a touch-sensitive surface.

36. (Previously Presented) A portable memory as in claim 4, wherein the work platform comprises a contact-sensitive electronic display screen electronically and temporarily displaying the plurality of images on the work platform.

37. (Previously Presented) A portable memory as in claim 4, wherein the one or more sensors comprise a grid of wires, wires of the grid being sequentially energized so that contact caused by the child generates a variation in one or more of the wires of the grid from which the location of contact on the work platform can be determined.

38. (Previously Presented) A portable memory as in claim 10, further comprising data for a learning mode wherein the child explores words by causing contact with the work platform without there being an indication of an incorrect selection of a word and the toy provides audio feedback to the child when such contact corresponds to the selection of a word, the audio feedback relating to the selected word.

39. (Canceled) [A portable memory as in claim 10, wherein the work platform comprises a touch-sensitive surface.]

40. (Previously Presented) A portable memory as in claim 10, wherein the work platform comprises a contact-sensitive electronic display screen electronically and temporarily displaying the plurality of images on the work platform.

41. (Previously Presented) A portable memory as in claim 10, wherein the one or more sensors comprise a grid of wires, wires of the grid being sequentially energized so that

contact caused by the child generates a variation in one or more of the wires of the grid from which the location of contact on the work platform can be determined.

42. (Previously Presented) A portable memory as in claim 16, further comprising data for a learning mode wherein the child explores numbers by causing contact with the work platform without there being an indication of an incorrect selection of a number and the toy provides audio feedback to the child when such contact corresponds to the selection of a number, the audio feedback relating to the selected number.

43. (Canceled) [A portable memory as in claim 16, wherein the work platform comprises a touch-sensitive surface.]

44. (Previously Presented) A portable memory as in claim 16, wherein the work platform comprises a contact-sensitive electronic display screen electronically and temporarily displaying the plurality of images on the work platform.

45. (Previously Presented) A portable memory as in claim 16, wherein the one or more sensors comprise a grid of wires, wires of the grid being sequentially energized so that contact caused by the child generates a variation in one or more of the wires of the grid from which the location of contact on the work platform can be determined.

46. (Previously Presented) A portable memory as in claim 22, further comprising data for a learning mode wherein the child explores pictures by causing contact with the work platform without there being an indication of an incorrect selection of a picture and the toy provides audio feedback to the child when such contact corresponds to the selection of a picture, the audio feedback relating to the selected picture.

47. (Canceled) [A portable memory as in claim 22, wherein the work platform comprises a touch-sensitive surface.]

48. (Previously Presented) A portable memory as in claim 22, wherein the work platform comprises a contact-sensitive electronic display screen electronically and temporarily displaying the plurality of images on the work platform.

49. (Previously Presented) A portable memory as in claim 22, wherein the one or more sensors comprise a grid of wires, wires of the grid being sequentially energized so that contact caused by the child generates a variation in one or more of the wires of the grid from which the location of contact on the work platform can be determined.

50. (Previously Presented) A portable memory as in claim 28, further comprising data for a learning mode wherein the child explores letters, words, numbers or pictures by causing contact with the work platform without there being an incorrect selection, or indication of an incorrect selection, of a letter, word, number or picture and the toy provides audio feedback to the child when such contact corresponds to the selection of a letter, word, number or picture, the audio feedback relating to the selected letter, word, number or picture.

51. (Canceled) [A portable memory as in claim 28, wherein the work platform comprises a touch-sensitive surface.]

52. (Previously Presented) A portable memory as in claim 28, wherein the work platform comprises a contact-sensitive electronic display screen electronically and temporarily displaying the plurality of images on the work platform.

53. (Previously Presented) A portable memory as in claim 28, wherein the one or more sensors comprise a grid of wires, wires of the grid being sequentially energized so that contact caused by the child generates a variation in one or more of the wires of the grid from which the location of contact on the work platform can be determined.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The prior art does not teach or fairly suggest the following in combination with the other claim limitations: indicating a cognitive selection by causing contact with a work platform on at least a portion of a substantially planar surface of the electronic educational toy and a contact capable of occurring and being sensed in arbitrary child-defined locations on the work platform (Claim 4 and similar language in independent Claims 10, 16, 22, and 28.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 571-272-4448. The examiner can normally be reached on M-F 6:30am-4:00pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chanda L. Harris
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Art Unit 3714